FILED
JUN 30 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>Jose HURTADO-Mendoza,<br>Defendant. | ) | Mag. Case No. '08 MJ 8587<br>COMPLAINT FOR VIOLATION OF<br>Title 8, U.S.C., Section 1326<br>Attempted Entry After Deportation (Felony) |

The undersigned complainant being duly sworn states:

On or about June 27, 2008, within the Southern District of California, defendant Jose HURTADO-Mendoza, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States, without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH DAY OF JUNE, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

# PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, E. Blackburn, that the Defendant was found and arrested on June 27, 2008 east of the Calexico, California Port of Entry.

BPA Blackburn was performing his assigned Border Patrol duties approximately 18 miles east of the Calexico, California Port of Entry. The Remote Video Surveillance System Operator advised agents of thirteen suspected illegal immigrants that were attempting to gain illegal entry into the United States by rafting across the All American Canal. BPA Blackburn responded to the area. The RVSS operator notified Agent Blackburn that twelve subjects continued northbound and one subject returned south back into Mexico. Agent Blackburn intercepted the twelve suspected illegal aliens as they made their way northbound. Agent Blackburn identified himself as a United States Border Patrol Agent and questioned each individual as to their immigration status to be in or remain in the United States legally. All twelve subjects including a male later identified as, Jose HURTADO-Mendoza, admitted to being natives and citizens of Mexico without proper documentation that would allow them to be in or remain in the United States legally. All twelve subjects were placed under arrest and transported to the Calexico Border Patrol Station.

Record checks revealed that an Immigration Judge ordered HURTADO-Mendoza deported to Mexico from the United States on November 15, 2004. Record checks also revealed that HURTADO-Mendoza had an extensive criminal history.

At approximately 8:59 p.m. hours, HURTADO-Mendoza was advised of his Miranda Rights in the Spanish language by Agent M. Hernandez. HURTADO-Mendoza acknowledged understanding his rights and was willing to answer questions. HURTADO-Mendoza stated that he did not have any legal documents that would allow him to work in or reside in the United States. HURTADO-Mendoza also stated that he knowingly made an illegal entry into the United States. HURTADO-Mendoza was questioned regarding his deportation and HURTADO-Mendoza said that he had previously been deported. There is no evidence HURTANDO-Mendoza has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on June 28, 2008 at 0930.

[signature]
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on June ~~28~~, 2008 in violation of Title 8, United States Code 1326. (27) BLM

[signature]
Barbara L. Major
United States Magistrate Judge

6/28/08 at 9:45 am
6/28/08 0930